STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of BRECK COLE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ALAN RICKY COLE,

Respondent-Appellant.

UNPUBLISHED
July 7, 2005

No. 259840
Clinton Circuit Court
Family Division
LC No. 04-016881

In the Matter of BRECK COLE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

THERESA SLATER,

Respondent-Appellant.

No. 259841
Clinton Circuit Court
Family Division
LC No. 04-016881

Before: Cooper, P.J., and Fort Hood and R. S. Gribbs*, JJ.

PER CURIAM.

In these consolidated appeals, respondents Alan Ricky Cole and Theresa Slater appeal as of right from the trial court order terminating their parental rights to their child under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

The minor child was taken into care due to domestic violence in respondents' home. The child stated that he was afraid of his father, but that he would like to remain with his mother if

* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

she left him. Although police officers had responded to several domestic violence calls at the home and Mr. Cole had been convicted of three domestic violence offenses, both respondents denied that Mr. Cole abused Ms. Slater. During the period the child was in the court's custody, respondents were also arrested for resisting and obstructing officers. Respondents were released on bond, which was subsequently revoked when officers found them intoxicated and threatening neighbors.

On appeal, Mr. Cole correctly argues that the trial court failed to state its conclusions of law and specify the statutory grounds for termination. However, the court did reference the four statutory grounds upon which petitioner was seeking termination and, as discussed below, the evidence supported termination. Therefore, the court's error does not warrant vacating the termination order.[1]

The trial court properly terminated Mr. Cole's parental rights, as the statutory grounds were established by clear and convincing evidence. We review a trial court's decision to terminate parental rights for clear error.[2] If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate the respondent's parental rights unless it finds from the record evidence that termination is clearly not in the child's best interests.[3] We review the trial court's determination regarding the child's best interests for clear error.[4] Mr. Cole was actually convicted three times for domestic violence and the child indicated that he was afraid of his father. Even so, Mr. Cole denied that he abused Ms. Slater and refused to participate in counseling. Accordingly, the trial court properly found that the grounds for termination had been established and that termination of Mr. Cole's parental rights was not contrary to the child's best interests.

Ms. Slater contends that the termination of her parental rights was contrary to the child's best interests as the child, who was almost fourteen years old, wanted to maintain his relationship with her. However, Ms. Slater continued to deny that Mr. Cole abused her even though he was convicted of those offenses. She also failed to recognize the effect of this relationship on her child and failed to comply in any way with the parent-agency agreement. Furthermore, the court

[1] See *In re TC*, 251 Mich App 368, 371; 650 NW2d 698 (2002); MCR 2.613(A); MCR 3.902(A).

[2] MCR 3.997(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

[3] MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000).

[4] *Id.* at 356-357.

was not required to adopt the child's preferences or to place the child with a relative rather than terminate Ms. Slater's parental rights.[5] Thus, the trial court did not err in terminating either respondent's parental rights to the child.

Affirmed.

/s/ Jessica R. Cooper
/s/ Karen Fort Hood
/s/ Roman S. Gribbs

[5] *In re IEM*, 233 Mich App 438, 453; 592 NW2d 751 (1999); *In re JS & SM*, 231 Mich App 92; 585 NW2d 326 (1998), overruled on other grounds in *In re Trejo*, 462 Mich 341; 612 NW2d 407 (2000).